federal register

Friday
November 5, 1980

Part VII

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferals of budget authority totalling $2,770.8 million and three revisions to previously transmitted deferrals increasing the amount deferred by $846.2 million.

The new deferrals involve programs related to International Security Assistance, Department of Defense military construction programs, and the Tennessee Valley Authority.

The revisions to existing deferrals involve programs in the Departments of Defense, Transportation, and the Treasury.

The details of the deferrals are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE,
December 2, 1980.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President:	
	International Security Assistance	
D81-23	Foreign military credit sales.....	659,250
D81-24	Economic support fund.....	1,984,500
	Department of Defense-Military	
	Military Construction	
D81-25	Military construction (medical facilities)	111,300
D81-7A	Military construction, all services.....	607,327
	Department of Transportation:	
	Federal Aviation Administration	
D81-17A	Facilities and equipment (Airport and airway trust fund).....	374,426
	Department of the Treasury:	
	Office of Revenue Sharing	
D81-19A	State and local government fiscal assistance trust fund.....	10,964 *
	Other Independent Agencies:	
	Tennessee Valley Authority	
D81-26	Tennessee Valley Authority Fund.....	15,800
	Total, deferrals	3,763,567

* Outlays only.

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

	Rescissions	Deferrals
Second special message:		
New items.....	---	2,770,850
Change to amounts previously submitted....	---	846,156
Effect of second special message.....	---	3,617,006
Previous special messages.....	---	619,128
Total amount proposed in special messages....	---	4,236,134 a

a. This amount represents budget authority except for $10,694 thousand involving the deferral of outlays only (D81-19A).

Deferral No: D81-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 96-369) $ 659,250,000
Bureau: International Security Assistance	Other budgetary resources -
Appropriation title & symbol: Foreign Military Credit Sales, 1981 1111082	Total budgetary resources $ 659,250,000
	Amount to be deferred: Part of year $ 659,250,000
	Entire year
OMB identification code: 11-1082-0-1-152	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

JUSTIFICATION

Pursuant to the Arms Export Control Act, the President is authorized to sell or finance by credit or guaranties defense articles and defense services for friendly countries to facilitate the common defense. H.J. Res. 610 (Public Law 96-369) makes continuing appropriations of $659,250,000 for fiscal year 1981 to enable the President to carry out those authorities. Under section 2 of the Arms Export Control Act, the Secretary of State, under the direction of the President, is responsible for continuous supervision and general direction of sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order 11958 of January 18, 1977, delegated certain of the President's functions under the Arms Export Control Act to the Secretaries of State and Defense. Executive Order 11958 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and Treasury, respectively, regarding standards and criteria for credit and guaranty transactions that are based upon national security and financial policies.

These funds have been deferred pending approval of specific loans to eligible countries by the Departments of State, Defense and the Treasury. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limits of available funds.

ESTIMATED EFFECT -- This deferral will have no programmatic or budgetary impact and is not restrictive in nature.

OUTLAY EFFECT -- There is no outlay effect of this deferral because funds will be released as loans are approved.

Deferral No: D81- 24

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President (IDCA)	New budget authority (P.L. 96-369): $ 1,984,500,000
Bureau: International Security Assistance	Other budgetary resources: 80,000,000
Appropriation title & symbol: Economic Support Fund, 1981 1/ 1111037	Total budgetary resources: 2,064,500,000
	Amount to be deferred: Part of year: $ 1,984,500,000
	Entire year:
OMB identification code: 11-1037-0-1-151	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes (Grants and Loans) ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish assistance to promote economic or political stability in foreign countries on such terms and conditions as he may determine. H.J. Res 610 (Public Law 96-369) makes continuing appropriations of $1,984,500,000 for fiscal year 1981 to enable the President to carry out those authorities. Also, P.L. 96-304 makes available $80,000,000 for use in Central America. Under Part II, Chapter 4, of the Foreign Assistance Act, the Secretary of State is responsible for policy decisions and justifications for such economic support programs, including the countries and amounts to be provided. Executive Order 12163 of September 29, 1979, further delegates the President's responsibilities under Chapter 4 to the Secretary of State insofar as they relate to policy decisions and justifications for economic support programs. These functions will be exercised in cooperation with the Director of the International Development Cooperation Agency (IDCA).

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that each approved program is consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds. The $80,000,000 in funds provided for Central America have already been justified and released for use.

Estimated Effect: This deferral will have no programmatic or budgetary impact and is not restrictive in nature.

Outlay Effect: There is no outlay effect of this deferral because funds will be released as loans and grants are approved.

1/ This account was the subject of a deferral in FY 1980 (D80-1).

Deferral No: D81-25

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military	New budget authority (P.L. 96-436): $ 1,633,107,000
Bureau: Military Construction	Other budgetary resources:
Appropriation title & symbol: See coverage section below	Total budgetary resources: 1,633,107,000
	Amount to be deferred: Part of year: $ 111,300,000
	Entire year:
OMB identification code: See coverage section below	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1985 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Coverage1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	211/52050	21-2050-0-1-051	$ 91,300,000
Military construction, Navy	171/51205	17-1205-0-1-051	$ 20,000,000
Total			$111,300,000

Justification: These funds were appropriated in P.L. 96-436 for military construction projects in the Departments of the Army and Navy. Funds totaling $111.3 million for construction and rehabilitation of medical facilities are being deferred pending the issuance of budget guidance to departments and agencies on the use of federal funds for construction/rehabilitation of medical facilities in the health services regions where the supply of hospital beds exceeds demand. The funds are deferred until this guidance has been issued and the necessary facility studies are completed.

Estimated Effect: It is estimated that this deferral action will have minimal programmatic or budgetary effects. Slight delays to the initial construction program that may occur pending the issuance of the guidance are not expected to materially affect overall construction schedules.

Outlay Effect: This deferral action has no estimated effect on outlays.

1/ These accounts are the subject of another deferral in FY 1981 (D81-7A).

D81-7A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D81-7 transmitted to the Congress on October 1, 1980, and printed as House Document No. 96-373.

This revision to a deferral of Department of Defense military construction funds increases the amount originally reported as deferred from $6,983,414 to $607,327,000. This increase of $600,343,586 results primarily from an increase in budgetary resources made available by the Military Construction Appropriation Act, 1981 (Public Law 96-436).

Deferral No: D81-7A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military	New budget authority (P.L. 96-436): $3,216,843,000
Bureau:	Other budgetary resources: 1,703,635,000
Appropriation title & symbol: See coverage section below	Total budgetary resources: 4,920,478,000
	Amount to be deferred: Part of year $ 607,327,000
	Entire year:
OMB identification code: See coverage section below	Legal authority (in addition to sec 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual; [X] Multiple-year September 30, 1983, September 30, 1984, September 30, 1985 * (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Coverage 1/ *

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	211/52050	21-2050-0-1-051	$ 68,740,000
Military construction, Army	210/42050	21-2050-0-1-051	0
Military construction, Army	219/32050	21-2050-0-1-051	0
Military construction, Navy	171/51205	17-1205-0-1-051	$ 65,685,000
Military construction, Navy	170/41205	17-1205-0-1-051	0
Military construction, Navy	179/31205	17-1205-0-1-051	0
Military construction, Air Force	571/53300	57-3300-0-1-051	$145,875,000
Military construction, Air Force	570/43300	57-3300-0-1-051	0
Military construction, Air Force	579/33300	57-3300-0-1-051	0
Military construction, Defense Agencies	971/50500	97-0500-0-1-051	$150,630,000
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	4,200,000
Military construction, Defense Agencies	979/30500	97-0500-0-1-051	1,218,000
North Atlantic Treaty Organization Infrastructure	97x0804	97-0804-0-1-051	$100,000,000
Military construction, Army National Guard	211/52085	21-2085-0-1-051	$ 20,115,000
Military construction, Army National Guard	210/42085	21-2085-0-1-051	0
Military construction, Army National Guard	219/32085	21-2085-0-1-051	0

1/ These accounts were the subject of a similar deferral during fiscal year 1980 (D80-9B).

* Revised from previous report.

Military construction, Air National Guard	571/53830	57-3830-0-1-051	$ 27,060,000
Military construction, Air National Guard	570/43830	57-3830-0-1-051	0
Military construction, Air National Guard	579/33830	57-3830-0-1-051	0
Military construction, Army Reserve	211/52086	21-2086-0-1-051	$ 3,944,000
Military construction, Army Reserve	210/42086	21-2086-0-1-051	0
Military construction, Army Reserve	219/32086	21-2086-0-1-051	0
Military construction, Naval Reserve	171/51235	17-1235-0-1-051	$ 12,250,000
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	0
Military construction, Naval Reserve	179/31235	17-1235-0-1-051	0
Military construction, Air Force Reserve	571/53730	57-3730-0-1-051	$ 7,610,000
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	0
Military construction, Air Force Reserve	579/33730	57-3730-0-1-051	0
Military construction, Reserve Components Generally	9710805	97-0805-0-1-051	0
Total			$607,327,000

Justification:* The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred for administrative reasons, such as incomplete project designs and incomplete coordination of projects with either other Federal agencies or local government agencies. In some cases, specific uses for these funds have not yet been identified. Funds will be apportioned for individual projects throughout the year upon identification of specific requirements and upon completion of project design and/or coordination.

Estimated Effect: This deferral action has no programmatic or budgetary effect because the funds would not be obligated if they were made available.

Outlay Effect: This deferral action has no effect on outlays.

* Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This revision of a deferral for facilities and equipment (Airport and Airway Trust Fund) in the Federal Aviation Administration increases the amount previously reported as deferred from $133,822,699 to $374,426,000. This increase of $240,603,301 results from additional budgetary resources made available to this account by the enactment of the Department of Transportation and Related Agencies Appropriation Act, 1981 (P.L. 96-400).

Deferral No: D81-17A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 96-400) $ 350,000,000*
Bureau Federal Aviation Administration	Other budgetary resources 387,426,000*
Appropriation title & symbol Facilities and Equipment (Airport and Airway Trust Fund), FAA 1/ 69X8107 690/48107 698/28107 691/58107* 699/38107	Total budgetary resources 737,426,000* Amount to be deferred: Part of year $ -0- Entire year 374,426,000*
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual 698/28107 September 30, 1982 699/38107 September 30, 1983 ☒ Multiple-year 690/48107 September 30, 1984 (expiration date) ☒ No-year 691/58107 September 30, 1985*	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:* Funds from this account are used to procure specific congressionally approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Act of 1981 and prior years. The estimated total cost for each project is included in the buiget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

Estimated Effect: This deferral action is consistent with the normal operation of this program. The amount deferred could not be economically used if made available in FY 1981 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-20A).
* Revised from previous report.

D81-19A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D81-19, transmitted to the Congress on October 1, 1980 and printed as House Document 96-373.

This revision of the deferral for the State and Local Government Fiscal Assistance Trust Fund in the Office of Revenue Sharing increases the previously reported deferral from $5,485,075 to $10,694,198. This increase of $5,209,123 results from withholding payments from various governments for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Deferral No: D81-19A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. _____) $ _____
Bureau: Office of Revenue Sharing	Other budgetary resources: 79,543,660*
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/ 2/	Total budgetary resources: 79,543,660*
	Amount to be deferred: Part of year $ 10,694,198*
	Entire year _____
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[X] Other P.L. 92-512, Sections 121 & 123; P.L. 94-488
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account is currently the subject of another deferral in FY 1981 (D81-18) and was the subject of a similar deferral in FY 1980 (D80-23A).

2/ Deferral of outlays only.

* Revised from previous report.

BILLING CODE 3110-01-C

Deferral No: D81-26

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 96-367) $ 18,000,000
Bureau:	Other budgetary resources: -0-
Appropriation title & symbol: Tennessee Valley Authority Fund (Columbia Dam & Reservoir) 1/ 64X0111	Total budgetary resources: 18,000,000
	Amount to be deferred: Part of year $ 15,800,000
	Entire year _____
OMB identification code: 64-4110-0-3-452	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act
Grant program: [ ] Yes [ ] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: P.L. 96-367 provided $18 million in new appropriations for continued construction of the Columbia Dam and Reservoir project. In addition, the Senate Appropriations Committee report (Sen. Rpt. 96-927) -- issued in conjunction with P.L. 96-367 -- recommended that $17 million in funds provided for this project that were deferred at the beginning of FY 1981 (D81-22) be applied to finance on-going TVA programs. These funds were released on October 31, 1980.

The Fish and Wildlife Service has issued a biological opinion that the completion of the Columbia Dam project as presently planned would jeopardize the continued existence of certain endangered mussel species -- the birdwing pearly mussel and one other. Completion of the project as originally designed requires: (1) the delisting of the affected species, (2) an exemption under the 1978 Endangered Species Act Amendments, or (3) a favorable modification in the Fish and Wildlife Service's biological opinion.

To resolve this problem, TVA has worked closely with the Department of Interior (Fish and Wildlife Service) to develop a conservation program which will allow completion of the Columbia Dam and Reservoir as planned and ensure the long term survival and growth of the endangered mussel species. No action to impound the reservoir (including placement of fill material) may be taken until the success of this mitigation program is assured to the satisfaction of the Fish and Wildlife Service.

1/ This account was the subject of similar deferrals in FY 1980 (D80-31) and earlier this year (D81-22).

Completion of the project is dependent upon issuance by the Corps of Engineers of a permit under Section 404 of the Clean Water Act for placement of fill material. The Environmental Protection Agency (EPA) has requested that the Corps delay issuing the permit pending the outcome of an administrative appeal to EPA by opponents of the project. The Corps agreed to this request and has not yet issued the permit.

As a result of these impediments, work on the project must now be confined to implementation of the conservation program, and archaeological, historical, cultural and water quality studies. Upon completion of the water quality studies, engineering design modifications to the Columbia Dam discharge structure may begin. Based upon recent estimates, $2,200,000 is needed to conduct these activities in FY 1981 and the remaining $15,800,000 is deferred pending resolution of the legal and environmental matters.

Estimated Effect: The construction of various portions of the Columbia Dam will be delayed pending resolution of the legal and environmental problems.

Outlay Effect: This deferral, by itself, has no outlay effect. However, the legal matters delaying this project, which have brought about the deferral, have the effect of postponing use of the deferred funds until those matters are resolved.

[FR Doc. 80-37884 Filed 12-4-80; 8:45 am]
BILLING CODE 3110-01-M